

STOP WORK AND ORDER TO COMPLY

IR A-13

References:

California Code of Regulations (CCR), Title 24
Part 1, California Administrative Code, Section 4-334.1
California Education Code, Sections 17307.5 and 81133.5
California Health and Safety Code, Section 16017.5

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This Interpretation of Regulation (IR) is intended for use by the Division of the State Architect (DSA) staff to promote more uniform statewide criteria for implementation of the Stop Work authority.

This IR is subject to revision at any time. Please check the DSA web site at <http://www.dgs.ca.gov/dsa/Resources/IRManual.aspx> for currently effective IR's.

Background: The Department of General Services by delegation to the Division of the State Architect (DSA) may issue an Order to Comply or a Stop Work Order when construction work is not being performed in conformance with existing law or project plans and specifications and could compromise the structural integrity of the building creating a danger to public safety.

Examples of situations when the public safety may be endangered include but are not limited to the following:

- construction starts without first obtaining DSA approval of plans and specifications,
- unapproved or defective construction work is proceeding,
- unapproved or non-complying materials of construction are used,
- applicable building codes or standards are not being met,
- required tests or inspections are not being performed, or
- any other circumstances where DSA determines that the public safety could be endangered.

1. Implementation: DSA may issue an Order to Comply or a Stop Work Order when work is proceeding that, in the sole opinion of DSA which is not subject to challenge, may result in construction that could endanger the public safety. Generally, an Order to Comply will be issued prior to a Stop Work Order

2. Order to Comply: DSA may issue an *Order to Comply* ("Order"). The Order shall describe the deviation(s) that need to be resolved and a deadline for response. A sample Order is attached. The DSA Regional Manager and the Field Supervisor will review the Order prior to issuance. The Order shall be signed by the State Architect or a designated representative. The Order shall be sent to the owner of the project by regular and registered mail. The order shall be effective at the time it is first deposited in the mail. The owner of the project shall be responsible for enforcing the Order.

2.1 Resolution of Orders to Comply: When in the sole opinion of DSA the deviations described in the Order to Comply have been satisfactorily corrected, a letter will be sent to the owner of the project acknowledging that the issue has been resolved. ←

2.2 Stop Work Order: DSA may issue a Stop Work Order without first issuing an Order to Comply based on the circumstances and at DSA's sole discretion. The DSA Regional Manager and the Field Supervisor will review the information provided and determine whether or not a Stop Work Order should be issued. The Stop Work Order will be signed by the State Architect or a designated representative and delivered to the owner of the project by certified mail with return receipt requested. A sample ←

Stop Work Order is attached. Copies will be sent to the project contractor, inspector, architect, and structural engineer. No further work will be permitted in the affected areas until authorized by DSA in writing. The project owner shall be responsible for stopping the construction work.

Once a Stop Work Order has been issued, no construction work, except that work necessary to correct deviation(s) addressed in the Stop Work Order may be performed on the project. When corrective work requires changes to the plans or specifications, the design professional in responsible charge shall submit Construction Change Document (CCD) to DSA and obtain approval of the CCD prior to performing corrective work.

Exception: The Stop Work Order may describe a specific area of the project or a specific aspect of the work which shall be stopped; in this case work may proceed in areas, or aspects, of the project that are not affected by the Stop Work Order.

The Owner of the project shall be responsible for enforcing the stop work order or order to comply and making sure that the work is corrected in accordance with applicable laws, codes, plans and specifications, and any other applicable project documents.

2.3 Resolution of Stop Work Order: The project inspector shall notify DSA when the contractor has completed the corrective work. DSA shall verify that the required work has been completely and properly performed. When the DSA has accepted the corrective work, the State Architect or a designated representative will rescind the Stop Work Order by regular and registered mail and work may resume.

2.4 Enforcement: If work does not stop immediately upon issuance of a Stop Work Order or resumes prior to DSA approval, the project inspector shall immediately issue a deviation notice and notify DSA. If necessary, the matter will be referred to the Office of the Attorney General for enforcement.

3. Limitations: It is in the sole discretion of DSA to issue a stop work order or order to comply however, DSA will not issue any such order invoking its stop work/order to comply authority for incidental, or minor nonstructural additions, or nonstructural alterations.

4. Delay Claims: As a result of any contractor's or any subcontractor's failure (and which failures are not due to the failure of the project owner) to comply with the laws, plans and specifications or other project documents which results in the issuance of a stop work order or order to comply, any delay which occurs in the affected project work until correction of the work has been completed, and a rescission of the stop work order (or order to comply) has been issued to allow resumption of work, any such delay should not constitute a basis for any delay claim by the contractor or any subcontractor.

APPENDICES

Sample Order to Comply letter

Sample Stop Work Order letter

Sample Stop Work notice



(Month Day, Year)

SAMPLE

DSA File #: (??-??)

Application #: (??-???????)

(Superintendent of Schools
c/o School Board
Facility Name and Address)

Sent by regular mail and certified mail

RE: ORDER TO COMPLY

(Project Description)

Dear (Mr./Ms. name):

This letter is to inform you that construction work on the referenced project is not being performed in accordance with existing law and may compromise the integrity of the building and endanger the public safety.

You are strongly encouraged to take action to resolve the problems described below. It is suggested that the School District order further construction to be stopped until the problems described below are resolved to the satisfaction of the Division of the State Architect (DSA). Failure to comply with this order could result in the issuance of a Stop Work Order by DSA pursuant to California Education Code Section (choose one: 17307.5 for k-12 schools, 81133.5 for community colleges, or Health and Safety Code Section 16017.5 for essential services buildings) and California Building Standards Administrative Code (Title 24, Part 1) Section (choose 4-334.1 for schools or 4-237.1 for essential services buildings).

Description of Problems:

(Describe construction deviations. Refer to DSA approved details and/or Code sections as applicable. Suggestions for corrections or other appropriate actions may be included when appropriate. Explain why the problem may endanger the public safety).

Please notify DSA no later than (date, ten working days from the date of this letter is suggested) of the measures that will be taken to correct the problems. A schedule for implementation of the proposed corrective measures is also requested. This Order to Comply will be rescinded when corrections are satisfactorily completed in accordance with DSA approved documents under the inspection of a DSA approved project inspector.

If you have any questions regarding this matter, please contact me at (telephone number).

Sincerely,

cc: (name) – Project Contractor
(name) – Project Inspector
(name) – Project Architect
(name) – State Architect
(name) – Regional Manager

(name) – Policy Deputy - DSA
(name) – Operations Deputy - DSA
(name) – DSA Legal Counsel
(name) – Attorney General

Enclosure



(Month Day, Year)

SAMPLE

DSA File #: (??-??)

Application #: (??-??????)

(Superintendent of Schools
c/o School Board
Facility Name and Address)

Sent by regular mail and certified mail

RE: STOP WORK ORDER
(Project Description)

Dear (Mr./Ms. name):

You are hereby ordered to **stop all construction work** on the referenced project because *(state reasons such as: work is proceeding without benefit of Division of the State Architect (DSA) approved plans and specifications, a project inspector approved by DSA, and/or construction is proceeding that will compromise the structural integrity of the structure and could endanger the public safety). (When work is non-compliant provide a description of the portions of the work and how they are non-compliant. Include reference to appropriate, details on drawings, sections in the specifications and/or sections in Codes or Standards when applicable to clarify how the construction is non-compliant and unsafe).* Enclosed are STOP WORK NOTICES that you are required to post in prominent locations on the construction project site.

Pursuant to California Education Code Section *(choose one: 17307.5 for k-12 schools, 81133.5 for community colleges, or Health and Safety Code Section 16017.5 for essential services buildings)* and California Building Standards Administrative Code (Title 24, Part 1) Section *(choose 4-334.1 for schools or 4-237.1 for essential services buildings)*, all construction work, except for work necessary to repair or mitigate deficient construction described herein, *(preceding exception must be deleted when work is proceeding without DSA approval or without an approved project inspector)* on the above described project shall immediately cease until a written authorization to rescind this order is issued by this Office. If work does not stop immediately the matter will be referred to the Office of the Attorney General for enforcement action.

This Stop Work Order will be rescinded when corrections are satisfactorily completed in accordance with DSA approved documents and under the inspection of a DSA approved project inspector.

If you have any questions regarding this matter, please contact me at *(telephone number)*.

Sincerely,

cc: (name) – Project Contractor
(name) – Project Inspector
(name) – Project Architect
(name) – State Architect
(name) – Regional Manager

(name) – Policy Deputy – DSA
(name) – Operations Deputy - DSA
(name) – DSA Legal Counsel
(name) – Attorney General

Enclosure

CALIFORNIA DEPARTMENT OF GENERAL SERVICES
DIVISION OF THE STATE ARCHITECT

DGS

STOP WORK ORDER

Pursuant to Section 4-334.1 of the 2001 California Building Standards Administrative Code, CCR Title 24, Part 1

STOP WORK ORDER

TAKE NOTICE THAT THIS BUILDING/STRUCTURE IS IN CONTRAVENTION OF THE CALIFORNIA BUILDING CODE.

Project: _____

Project Location: _____

Appl. # _____

File # _____

School District: _____

Date of Inspection: _____

Stop Work Order issued by: _____

State Architect _____

ALL WORK (AS NOTED BELOW) WILL CEASE IMMEDIATELY.
Any person who continues to work on this building/structure or area after having been served this stop work order, shall be subject to penalties prescribed by law, unless that person is directed to remove a violation or unsafe condition.

Contact DSA Sacramento Regional Office at (916) 445-8730 if any questions

DESCRIPTION OF AFFECTED WORK:

No person shall remove, or obstruct the visibility of any DSA order posted unless authorized by DSA